



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Donald L. Schilling

Application No.: 09/843,520

Confirmation No.: 8354

Filed: April 27, 2001

For: SPREAD SPECTRUM ADAPTIVE
POWER CONTROL
COMMUNICATIONS SYSTEM AND
METHOD

Group: 2631

Examiner: Not Yet Known

RECEIVED
FEB 15 2002
OFFICE OF PETITIONS
Our File: 09/843,520
Date: January 25, 2002

**REPLY TO THE NOVEMBER 26, 2001 DECISION
REFUSING STATUS UNDER 37 C.F.R. §1.47(b)**

Commissioner for Patents
Box DAC
Washington, D.C. 20231

02/14/2002 TBESHAN1 00000116 090435 09843520

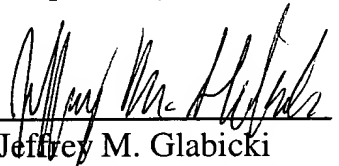
01 FC:122 Sir:130.00 CH

This Reply is filed in response to the November 26, 2001 Decision Refusing Status Under 37 C.F.R. §1.47(b). In that decision, the September 21, 2001 Petition was dismissed as for 1) that inadequate proof was submitted demonstrating that the non-signing inventor was presented the application papers and declaration, when refusing to sign the declaration 2) the signed declaration was deficient as not providing the citizenship, residence and mailing address of the assignee's representative; and 3) proof of irreparable damages was inadequate. With respect to items 1 and 3, a supplemental declaration by Jeffrey Glabicki is provided as proof for those two points. With respect to item 2, a new declaration is submitted providing the required information concerning the assignee's representative.

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05/14/2002
02/14/2002
01 FC:122
130.00 CR

Withdraw of the decision to dismiss the petition is respectfully requested and reconsideration of the petition and consideration of the materials provided with this reply is respectfully requested.

Respectfully,

By 
Jeffrey M. Glabicki
Registration No. 42,584
(215) 568-6400

Volpe and Koenig, P.C.
Suite 400, One Penn Center
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

JMG/lma
Enclosures



PATENT

79

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FEB 15 2002
OFFICE OF PETITIONS
DEPUTY ASST. COM. PATENTS
Our File # 09/843,520 US
Date: January 25, 2002

**SUPPLEMENTAL DECLARATION OF JEFFREY M. GLABICKI
IN SUPPORT OF PETITION PURSUANT TO 37 C.F.R. §1.47(b)**

Commissioner for Patents
Box DAC
Washington, D.C. 20231

02/14/2002 TBESHAI 00000117 090435 09843520

01 FC:105 Sir: 130.00 CH

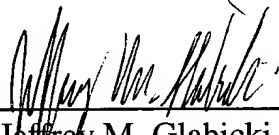
I was called by Donald L. Schilling on August 21, 2001 at around 10:00 a.m. Mr. Schilling was calling from his residence at Hoffstot Lane, Sands Point, NY 11050 and I was at the offices of Volpe and Koenig, P.C. at Suite 400, One Penn Center, Philadelphia, PA 19103. During that conversation, Mr. Schilling acknowledged receipt of the declaration (one having his New York address and one having his Florida address) and a copy of the application papers (the application papers included the specification, claims, abstract and drawings). Attached are the two (2) cover letters sent to Mr. Schilling, one dated April 2001 and the other dated July 10, 2001. I was the individual who sent the letters to Schilling including the application and declarations.

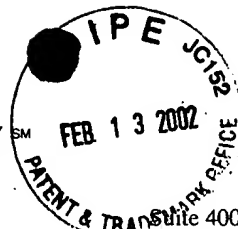
Adjustment date: 05/14/2002
02/14/2002 TBESHAI 00000117 090435
01 FC:105 CR

Applicant: Donald L. Schilling
Application No.: 09/843,520

The filing of this application was necessary to avoid a bar date. At the filing date of this application (April 27, 2001), the only currently pending application to which this application could claim priority was U.S. Patent Application No. 09/843,520, which issued on May 1, 2001 as U.S. Patent No. 6,226,316. If this application was not filed by the May 1, 2001 bar date, the claims currently pursued in this application or any amended or additional claims filed later would have been lost as a result of the bar date. Accordingly, irreparable harm would have resulted.

Respectfully,

By: 
Jeffrey M. Glabicki



Suite 400, One Penn Center
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

Telephone: +1-215-568-6400
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INTELLECTUAL PROPERTY LAW

Jeffrey M. Glabicki
jmg@volpe-koenig.com

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FEB 15 2002
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

April 27, 2001

Dr. Donald L. Schilling
10346 Redon Drive
Frenchman's Creek
Palm Beach Gardens, FL 33410

Re: File: I-2-32.3US
New U.S. Patent Application Entitled
*SPREAD SPECTRUM ADAPTIVE POWER
CONTROL COMMUNICATIONS SYSTEM AND METHOD*

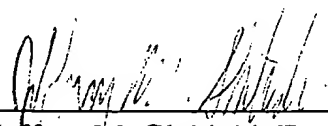
Dear Dr. Schilling:

We are preparing a continuation-in-part application, which is a combined disclosure of two of your inventions, "Adaptive Power Control For a Spread Spectrum Transmitter" (you were the sole inventor) and "Spread Spectrum Adaptive Power Control Communications System And Method" (you were a joint inventor). I believe you will recognize the incorporation of those applications in the attached specification. The claims to the combined application are drawn to material, which I believe was solely invented by you. Accordingly, we prepared a Declaration for execution by you for this application. Since we are unsure whether to use your New York or the Florida address, we attached two (2) Declarations. Please sign the appropriate one. For your convenience, we have indicated where the Declarations need to be signed and dated and we have enclosed a self-addressed, stamped envelope for your convenience in sending it back to us.

Please sign and date the appropriate Declaration and return it to us in the self-addressed stamped envelope. We greatly appreciate your cooperation in this matter.

Very truly yours,

Volpe and Koenig, P.C.

By 
Jeffrey M. Glabicki, Esquire
JMG/ma
Enclosures

**Volpe
and
Koenig**
P.C.



Suite 400, One Penn Center
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BRINGING LAW TO YOUR IDEAS

Jeffrey M. Glabicki
jmg@volpe-koenig.com

July 10, 2001

Mr. Donald L. Schilling
Hoffstot Lane
Sands Point, NY 11050

Re: File: I-2-32.3US
U.S. Patent Appln. No. 09/843,520
*SPREAD SPECTRUM ADAPTIVE POWER CONTROL
COMMUNICATIONS SYSTEM AND METHOD*

Dear Mr. Schilling:

As you may recall, around 1990 you filed a patent application concerning adaptive power control for a spread spectrum transmitter. Subsequent to that initial filing, two (2) other applications were filed with additional material and other inventors were added to those applications. However, in the later filed applications, most of the original disclosure from your application was omitted. We have put together this application which reintroduces your original material. The claims to this application are solely supported by your original disclosure and, accordingly, we believe you are the sole inventor with respect to this application.

Since the other inventors listed on the later filed applications did not contribute to these claims, we are required to file a new Declaration with you as the sole inventor. Accordingly, enclosed is a Declaration for your execution. For your convenience, we have enclosed a self-addressed, stamped envelope.

We are required to file the Declaration by **September 3, 2001**. Accordingly, your prompt attention to this matter would be greatly appreciated.

If you have any questions, please get in contact with me.



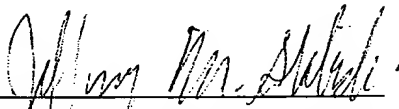
Mr. Donald L. Schilling
Page 2

July 10, 2001
I-2-32.3US

We look forward to receipt of the executed documents.

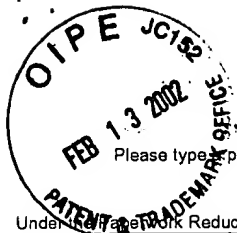
Very truly yours,

Volpe and Koenig, P.C.

By 
Jeffrey M. Glabicki, Esquire

JMG/lma
Enclosures (3)

bcc: Robert Paczulla



DAC

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/843,520	
	Filing Date	April 27, 2001	
	First Named Inventor	Donald L. Schilling	
	Group Art Unit	2631	
	Examiner Name	Not Yet Known	
Total Number of Pages in This Submission	10	Attorney Docket Number	I-2-32.3US

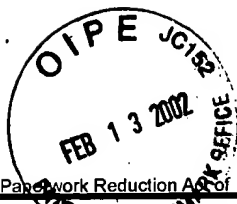
RECEIVED FEB 15 2002 OFFICE OF PETITIONS & APPEALS

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	SEE REMARKS
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	1) Reply to the November 26, 2001 Decision Refusing Status Under 37 C.F.R. §1.47(b); 2) Supplemental Declaration of Jeffrey M. Glabicki in Support of Petition Pursuant to 37 C.F.R. §1.47(b); and 3) Executed Declaration and Power of Attorney.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Jeffrey M. Glabicki Volpe and Koenig, P.C.	Reg. No. 42,584
Signature		
Date	1/25/02	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box DAC, Washington, DC 20231 on this date: 1/25/02			
Typed or printed name	Jeffrey M. Glabicki	Date	1/25/02
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 260.00

Complete if Known

Application Number	09/843,520
Filing Date	April 27, 2001
First Named Inventor	Donald L. Schilling
Examiner Name	Not Yet Known
Group Art Unit	2631
Attorney Docket No.	I-2-32.3US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 09-0435
Deposit Account Name: InterDigital Comm. Corp.

- ☒ Charge any Deficiencies or Credit any Overpayment in the Total Fees Associated With This Communication

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES

Total Claims: - ** = X =
Independent Claims: - ** = X =
Multiple Dependent: =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
105 130	205 65	Surcharge - late filing fee or oath
127 50	227 25	Surcharge - late provisional filing fee or cover sheet
139 130	139 130	Non-English specification
147 2,520	147 2,520	For filing a request for ex parte reexamination
112 920*	112 920*	Requesting publication of SIR prior to Examiner action
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action
115 110	215 55	Extension for reply within first month
116 400	216 200	Extension for reply within second month
117 920	217 460	Extension for reply within third month
118 1,440	218 720	Extension for reply within fourth month
128 1,960	228 980	Extension for reply within fifth month
119 320	219 160	Notice of Appeal
120 320	220 160	Filing a brief in support of an appeal
121 280	221 140	Request for oral hearing
138 1,510	138 1,510	Petition to institute a public use proceeding
140 110	240 55	Petition to revive - unavoidable
141 1,280	241 640	Petition to revive - unintentional
142 1,280	242 640	Utility issue fee (or reissue)
143 460	243 230	Design issue fee
144 620	244 310	Plant issue fee
122 130	122 130	Petitions to the Commissioner
123 50	123 50	Processing fee under 37 CFR 1.17(q)
126 180	126 180	Submission of Information Disclosure Stmt
581 40	581 40	Recording each patent assignment per property (times number of properties)
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))
179 740	279 370	Request for Continued Examination (RCE)
169 900	169 900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 260.00

SUBMITTED BY

Name (Print/Type): Jeffrey M. Glabicki
Signature: *Jeffrey M. Glabicki*

Registration No. (Attorney/Agent): 42,584

Complete (if applicable)

Telephone: 215-568-6400
Date: 1/25/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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